



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,143	01/29/2004	Pascal Charroppin	945-011671-US (PAR)	4295
2512	7590	04/20/2007		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER HARRIER, JASON D	
			ART UNIT	PAPER NUMBER
			3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/767,143	Applicant(s) CHARROPPIN, PASCAL	
	Examiner Jason D. Harrier	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/29/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 1/29/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Document EP0862144 was not included and thus was not considered. All other documents have been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bass et al. (U.S. Patent No. 6,041,319).

As per Claim 1, Bass et al. discloses a device alerting to the expiration of tariffs for a franking system, comprising a random access memory (RAM) (Figure 2; Col. 1, lines 30-45) for recording postal data including: a first table of postal tariffs relative to postal products and services and a processing unit for updating these postal tariffs, (Col. 1, lines 30-45; Col. 5, lines 1-20) wherein said RAM further comprises a second table of postal tariffs and said processing unit comprises means for comparing said postal tariffs of the first and second tables and for

Art Unit: 3628

emitting to the operator of the franking system a message alerting to the expiration of tariffs when a date of application of said postal tariffs of said second table is identical to or earlier than a desired date of franking and when one of said compared postal tariffs has been changed. (Col. 5, lines 20-45; Col. 6, lines 25-40).

As per Claim 2, Bass et al. further discloses wherein said second table of postal tariffs is loaded in the franking system at a periodicity defined by the Postal Service. (Figure 2; Col. 5, lines 15-40) (Service bureau includes any entity that controls postage rates, which includes the Postal Service. Further, the second data table is controlled and updated by the service bureau and thus they define the periods in which it is updated.)

As per Claim 3, Bass et al. further discloses the device of claim 1, wherein said second table of postal tariffs is loaded in the franking system from a remote resetting centre. (Col. 5, Line 60 – Col. 6, line 25)

As per Claim 5, Bass et al. discloses a process for alerting to the expiration of tariffs for a franking system comprising a RAM for recording postal data and a processing unit for updating these postal data, said process comprising the following steps: when a date of application of new postal data previously loaded in the franking system is identical to or earlier than a franking date desired by an operator of the franking system, comparison of these new postal data with current postal data present in the RAM, and emission of a message to the operator of the franking system alerting to the expiration of tariffs if one of the compared postal data has been changed. (Col. 5, lines 1-35; Col. 5, Line 60 – Col. 6, line 40).

As per Claim 6, Bass et al. further discloses the process of claim 5, wherein the new postal data are stored at the location of the current postal data when the operator has accepted the updating of these postal data. (Col. 5, lines 1-35; Col. 5, Line 60 – Col. 6, line 40).

As per Claim 7, Bass et al. further discloses the process of claim 6, wherein the current postal data are stored in a blank part of the RAM, to be kept for control purposes. (Col. 5, lines 1-35; Col. 5, Line 60 – Col. 6, line 40).

As per Claim 8, Bass et al. further discloses the process of claim 5, wherein the emission of the message alerting to the expiration of tariffs is inhibited by the operator except for the first such message after the franking system has been put into operation. (Col. 5, lines 25-60).

As per Claim 9, Bass et al. further discloses the process of any one of claim 5, wherein the postal data comprise postal tariffs. (Abstract)

As per Claim 10, Bass et al. further discloses the process of any one of claim 5, wherein the postal data comprise postal products and services. (Col. 5, lines 1-35; Col. 5, Line 60 – Col. 6, line 40) (System updates postal software which Examiner interprets to be both a postal product and a postal service. Further, the system updates postal rates which Examiner interprets to include the rates for postal services.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bass et al.

As per Claim 4, Bass et al. fails to disclose the device of claim 1, wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Bass et al. does disclose that variations to the billing methods of the system may be made depending on the specific needs or practical application of a particular embodiment. (Col. 8, lines 1-25). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform the comparison between use and system databases and update rate tables during the times when a connection is made to add credit to the franking system. The motivation for this embodiment would that a connection (through a phone number, modem or otherwise) has already been made between the customer and service to add credit to the franking system and in light of convenience, efficiency, and in order to be sure the proper rates are always present on the customer system it would be obvious to transfer updated rate tables at the same time.

Conclusion

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Art Unit: 3628

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Harrier whose telephone number is (571) 272-5866. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason D. Harrier
Art Unit 3628

JDH

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or fax to:

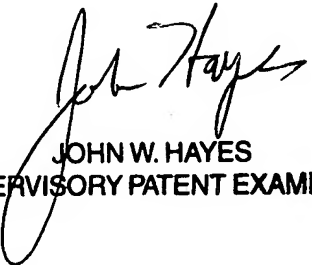
(571) 273-5866 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Application/Control Number: 10/767,143

Page 7

Art Unit: 3628

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER